

1895-029 Chancery Causes: George H. Ely vs. S. E. Turner &
Lee Co. Elmer L. Howard vs. S. E. Turner &c

Leslie, Wilcoxson

CA-Contract Dispute

T-Property
Business

Additional Information:

- Sale & manufacturing of
piercing

To the Honorable W. J. Miller Judge of the Circuit
Court of Lee County.

Humbly complaining your orator Geo. H. Ely
would respectfully represent and show unto your
honor that on the 8th day of Sept. 1890 he entered
into a contract with D. S. Wilcoxson, B. J. Leslie and
S. E. Turner in regard to a certain Patent License by which
said defendants purported to convey to your orator License
and right to make and use and sell a new and useful
improvement in fences, in consideration of the sum of
two hundred and fifty dollars. Said Contract is herewith
filed marked "A" and asked to be treated here as part of this
bill, from which your honor will see that it purports
to sell or assign to your orator the right to sell and
use the said patent in the counties of Bell, Knox, Letcher,
Lancaster and Whitley in the State of Kentucky. Now your
orator would represent and show unto your honor
that he was duped and induced to enter into said
contract and induced to part with his money two hundred
and fifty dollars, by fraud, deceit, collusion and false
representation ^{and pretence} committed and perpetrated upon him by
S. E. Turner, B. J. Leslie and D. S. Wilcoxson in this that the
defendants represented that they had a patent for their
improvements in fences, that it was patented April 6, 1888
and also represented that it was patented Oct. 23, 1888.
they also falsely represented that your orator could make
a fortune out of the five counties heretofore referred to
if he would only give them \$250. in cash. They also
falsely represented that their patent would make a much
better, stronger, more durable and handsomer fence than
any other in the world, that it would save 5000. rails
in building every mile of fence. That \$500 worth of wire
* that the invention was valuable and would take with the public, that they had sold
other states for large sums of money, which were all false and it induced your
orator to enter into said contract, that the five counties could be sold for \$500

1 would build a mile of fence, that you could move
2 a whole string of fence without taking it - to pieces
3 that it was the cheapest fence that could be built. All of
4 which sayings and doings your orator alleges was
5 false and well known by defendants when they
6 made them, especially well did S. E. Turner know them
7 to be false, who represents that he had made \$1500.
8 in riding and selling the patent only from Jonesville
9 to such ^{By means of which false representation they induced your orator to enter into said contract and to part with his money} things, your orator here alleges that the contract
10 here filed is a badge of fraud on its face, practiced by
11 S. E. Turner one of the defendants, ^{on your orator} in that he signed
12 it; "D. D. Wilcoxson By B. J. Leslie", when in truth and in
13 fact B. J. Leslie did not sign it; ^{he Turner} trying to keep his name out
14 of the fraud which he was practicing on your orator.
15 And your orator here charges that S. E. Turner had no
16 authority to sign said patent license under seal as
17 ^{or otherwise} he did, that said defendants had no letters patent for their
18 new and useful improvement in fencing as they called
19 it. that even if they did in furtherance of their designs
20 to defraud your orator out of his money, the said
21 S. E. Turner, and B. J. Leslie left this county after
22 they had duped every body they could, and went
23 into the counties of Laurel and Clay, Ky. two
24 of the counties which they had purported to sell
25 to your orator and sold and granted license to
26 parties ^{there} in the very territory which rightfully belonged
27 to your orator ^{if there was any worth in said patent - high} And the defendant S. E. Turner even
28 made his head quarters at London the county seat
29 of Laurel, selling fence rights for a considerable
30 length of time. And your orator here alleges that
31 S. E. Turner and B. J. Leslie colluded and conspired
32 together to cheat, wrong and defraud not only your

reconsidered, vacated and declared void, That your orator
 recover of the defendants S. E. Turner B. J. & his wife
 V. L. Wilson the sum of \$250. with interest from the
 8th day of Sept. 1890. Till paid, that a decree may be rendered
 to that effect, - That the defendant take back their assigned
 of Patent License, etc - that proper process may issue and
 That your orator may have such other further and
 general relief as the nature of his case may require
 as to equity shall seem meet, And your orator
 will ever pray etc -

M. G. Ely, P. & S.

Ex. H. Ely P. & S.

Bill in Chancery

S. E. Turner et al Defts.

Exhibit "A" and "B" filed
 1894. 2d May bill filed Sp
 and 4th Nov. Deft. &
 Oversee as to him
 order Park as to non residing
 order park complete to
 1st day of Dec. 1894
 1st June Rules taken whi
 last Monday ev. May
 Decree in re: Confirmed
 & Cause set for hearing
 by Plaintiff

Jugie Decree
 final do S. E. Turner
 1895 March 13 4 P. 26
 Decree final

Plffs Costs
 \$ 6.46
 S
 \$ 6.94
 Printers 620
 \$ 13.14
 Defts Costs
 \$ 2.04
 Atty 15.00
 Ev 2.50
 \$ 17.29

Ely

PATENT LICENSE.

WHEREAS, Q. D. WILCOXSON, of Boston, Pendleton County, Ky., did obtain Letters Patent of the United States for a new and useful improvement in fences, dated October 23, 1888, and numbered 391,569.

And WHEREAS, *Geo. H. Ely* is desirous of obtaining an interest in said Letters Patent.

NOW THIS INDENTURE WITNESSETH, That for and in consideration of the sum of *Two hundred and fifty (\$250)* Dollars to *us* in hand paid, the receipt of which is hereby acknowledged, *we* do hereby grant unto *Geo. H. Ely* License and right to make, use and sell the said improvement within the following designated limits and places, namely, and in no other place or places:

The counties of Bell, Knox, Clay, Laurel and Whitley in the State of Kentucky.

This License and Right to be enjoyed by the said *Geo. H. Ely* and assigns to the full end of the term for which said Letters Patent were granted.

IN WITNESS WHEREOF *we* have hereunto set our hands and seal this *3rd* day of *Sept.*, 1890

Q. D. Wilcoxson L. S.

B. J. Leslie L. S.

Sealed and delivered in the presence of

Geo. W. Fleenor.

G. D. R.

\$1 250⁰⁰

Jonesville, Va., Sept 8th 1880.

Ninety

days after date we promise to pay to the order of

B. F. Leslie

Two hundred & fifty

DOLLARS

for value received, negotiable and payable at Powell's Valley Bank, and hereby waive the benefit of our home-
stead exemption as to this debt, and we also waive our right to be protested to make us liable for said sum.

Attest

L. H. Ellison

George H. Ely

H. E. Edels

We the endorsers of the within note hereby
~~give our~~ homestead exemption as to the debt
mentioned within, and ~~we~~ also waive ~~our~~ right
to be protested in order to make ~~us~~ liable as en-
dorsers of the within, in the event the same should
not be paid promptly at maturity.

B. J. Leslie
S. E. Turner

"B"

To The Honorable W. T. Miller Judge of the Circuit
Court of Lee County.

Humbly complaining your orator Elisha L. Howard
would respectfully represent and show unto your honor
that on the 25th day of Aug. 1890. he entered into a Contract
with W. D. Wilcoxson, B. J. Leslie and S. E. Turner in regard
to a certain patent license by which said defendants pur-
ported to convey to your orator license and right to
make and sell a new and useful improvement in fences
in consideration of the sum of fifty dollars, said contract is
herewith filed marked "D" and prayed to be treated as part
of this bill. from which your honor will see that it purports
to sell or assign to your orator the right to sell and use the said
patent in the County of Leslie Ky. Now your orator would
represent and show unto your honor that he was duped,
induced and influenced unduly to enter into said contract
and induce to part with his money (\$50.) by the fraudulent
fraud, deceit, collusion, false pretenses and false representations
committed and perpetrated upon him by the defendants S. E.
Turner and B. J. Leslie in this that the defendants represented that
they had a patent for their improvement in fences, that it was
patented April 6th, 1888, and also represented that it was patented
Oct. 28, 1888, that your orator could get rich, make a fortune
in a few days if he would only buy a county from them
at \$50. that their patent made the strongest, best, most durable
fence in the world, that you could save 5000. rods in
building every mile of fence, that \$5. worth of wire would build
a mile of fence, that you could move a whole string of fence
without taking it to pieces, that it was the cheapest fence that
could be built, all of which your orator alleges were untrue
misleading and fraudulent, and well known by defendants to be
untrue when they made them, such representations being only
* that the said patent was saleable and taken well with the public, that the County
of Leslie could be sold for \$500. that they had made other large sales of territory
at enormous prices which were all false and induced your orator to enter
into said contract, that they had sold the State of West Virginia for \$1500.

a myth and a fancy to delude, and especially did S. E. Turner know them to be untrue, by means of which false representations and deceitful talk your orator was influenced, to enter into said contract with defendants and to part with his money. Your orator here alleges that the contract here filed and sought to be rescinded presents a badge of fraud on its face practised by S. E. Turner one of the defendants on your orator, in that he signed the contract as acting for Leslie when in truth and in fact, it was not signed by B. J. Leslie at all, he, Turner trying to keep his name out of the fraud which he was practicing on your orator, and your orator here alleges that S. E. Turner had no authority to sign said patent license under seal as he did, ^{or any other way} neither had B. J. Leslie any authority or right to sign his or anyone else's name to a patent license, neither one having any interest in the same, that said defendants had no letters patent for their new and useful improvement in fencing as they called it, that S. E. Turner and B. J. Leslie conspired and conspired together to cheat, wrong and defraud your orator out of \$50, which they did very successfully. It is a conceded fact that said pretended patented fence was the most worthless fraud and swindle that ever struck the country and could be sold only by slicked tongues, deceits and deceptions, to ignorant people like your orator. Your orator alleges that the contract herein described is one from which he should be relieved, that it should be rescinded and annulled, the parties placed in 'status quo', that from his \$50, he has not received a single cent, that he should have it back, he has delivered up the contract and sends it on his part, that the contract is one in which an undue advantage was taken that it was an unconscionable bargain in defendants.

receiving so much of your orator's money for nothing
Equity murders something for nothing. Your orator states
that while it does not appear on the face of the contract
that the defendant S. E. Turner is a party to it; your orator
alleges that he is; that he is the one with whom the contract
was made and that he is the one that received the money
under it. Your ^{orator} thinks that defendants should be willing to
pay to him his money that they have had the use of
about four years, while he has had nothing, that the
and consideration ^{contract} has failed - All of which acts and doings are
contrary to equity and good conscience. In tender consideration
whereof, and far as much as your orator is remediless in the
premises save by the aid of a court of equity where matters
of this kind are alone and properly cognizable. Therefore
the prayer of your orator is that S. E. Turner, B. J. Leslie
and D. D. Wilsonson be made parties defendant to this
bill and be required to answer the same but they need not
answer on oath that being expressly waived, that the
contract herein described and herewith filed marked
"D" upon a hearing be decreed rescinded, cancelled annulled
vacated and declared void, that your orator recover of the
defendants S. E. Turner, B. J. Leslie, and D. D. Wilsonson
the sum of \$450, with interest from the 25th day of Aug,
1890 till paid that a decree be rendered to that effect,
that proper process may issue and that your orator may
have such other further and general relief as the nature of
the case may require and to equity shall seem meet, All
your orator will ever pray, etc -

M. G. Ely P. D.

1847-

Elmer L. Howard Plff.

vs Bill in Chancery -

S. E. Turner et al. Defts.

Exhibits & "ad Turner & Lathrop"

1894. 2 May Rules bill filed
 Spa & on home Deft
 & Decree nisi as to him
 Ord Prob as to non residents
 Ord Prob completed
 "pt from Rules taken the last
 Monday in May Decree
 & nisi confirmed & cause
 set for hearing by Plff.
 " June Term Decree
 final Decree O. 134926

Plaintiffs Costs

C

Plaintiff costs

C 5.31
 S 1.50

Printer \$5.81

Defts Costs

C 2.04
 Atty 15.00
 Co, C 2.85
 \$17.29

Q. D. WILCOXSON,

---PORTABLE---

Wire And Rail Fence.

Patented April 6, 1888.

Call and Examine It.

Q. D. WILCOXSON-

(OVER.)

"Turner & Lohr"

REASONS WHY.

- 1st. It will make you a much better, stronger, more durable, and handsomer fence than can be built of common split rails in any other way.
- 2d. It will save you 5,000 rails in every mile you build.
- 3d. It will save one half the ground over old worm fence.
- 4th. Five dollars worth of wire will build one mile of this fence.
- 5th. It is easier built and repaired than any patent fence on the market.
- 6th. It is portable. You can move it with ease, without taking to pieces.
- 7th. Many rails can be split and answer better for two than they will for one.
- 8th. Best mountain fence in the world. Proof against wind and back-water.
- 9th. Cheapest fence that can be built.
- 10th. For turning all stock, except hogs, three rails is all that is necessary.
- 12th. Call and see it.

WILCOXSON & LESLIE.

PATENT LICENSE.

WHEREAS, O. D. WILCOXSON, of Boston, Pendleton County, Ky., did obtain Letters Patent of the United States for a new and useful improvement in fences, dated October 23, 1888, and numbered 391,569.

And WHEREAS, *Elihu S. Howard* is desirous of obtaining an interest in said Letters Patent.

NOW THIS INDENTURE WITNESSETH, That for and in consideration of the sum of *Fifty* Dollars to *us* in hand paid, the receipt of which is hereby acknowledged, *we* do hereby grant unto *Elihu S. Howard* License and right to make, use and sell the said improvement within the following designated limits and places, namely, and in no other place or places:

Letchie Co. Ky.

This License and Right to be enjoyed by the said *Elihu S. Howard* and assigns to the full end of the term for which said Letters Patent were granted.

IN WITNESS WHEREOF *we* have hereunto set our hands and seal this *25th* day of *Aug.* 18*88*

O. D. Wilcoxson L. S.
By B. J. Letchie L. S.

Sealed and delivered in the presence of

J. B. Wynn

4

27

1877

B

To The Hon. W. J. Miller Judge of
the Circuit Court of Lee County.

The Demurre & Separate Answer of
S. E. Turner, to a Bill filed in
this Hon. Court against him et al
by E. K. Howard.

Respondent says the ~~plffs~~ Bill
is not good and sufficient in law
and of this he prays judgement of
the Court &c.

But further answering he
says the ~~plffs~~ Bill, is substantially
a suit to recover back from him
the sum of \$500 ²⁵ paid to respondent
on the 26th day of Aug. 1890
more than three years before the
institution of the ~~plffs~~ suit, and
therefore barred by limitation by
Sec. 2920 Code of Va. Edition 1887. and
respondent invokes that law as a
shield and protection from the ~~plffs~~
most unjust demand.

And further answering the ~~plff~~ ~~deft~~
says, that it is not true, that there
was fraud, deceit and false pretence
used by this respondent in its sale
of its patent license in the ~~plffs~~
Bill mentioned and set out, a sample
of its fence was shown the ~~plff~~, he
saw it, and he knows that it is
all it was represented, that is a
valuable improvement, and needs

only to be used to be appreciated
and had the plff gone on and oc-
cupied his territory and made use
of his license, he doubtless would
have been greatly benefited. He the
plff does not pretend that he was
interfered with hindered or prevented
from the use thereof. The trade was
open fair and with full inform-
ation on the plff's part of what
the fence was or is. Respondent did
represent that there was a patent on
said fence, and there was such a
patent he denies therefore the plff's al-
legation that there was no such pat-
ent, he denies that he did not have
full power or authority to sell the same.

He denies that he told the plff he
could make a fortune in a few days
but he did say he believed the plff
could make money selling the same
to others and he did then and still be-
lieve that to be true if the plff would
go forward and make the effort others
have done so and very much the plff.

The license shows how it is signed your
cater was the name of B. J. Leslie and
he was instructed and directed by said
Leslie to sign the licenses in the manner
he did respondent was at that time
a mere school boy inexperienced in
business, and did what he thought he

the right & power to do. He made no concealment but openly & frankly said what he did & the plffs knew it then as well as now, but because he was too indolent and slovenly to go forward and exercise his right, he wants to make the respondent bear the burden of his inaction. Respondent deny that he colluded & conspired with B. J. Leslie or any one else to defraud the plff or any one else. he acted in good faith & sold to the plff & many others said license in the same way and he deny all fraud or fraudulent act, in himself or knowledge of it in B. J. Leslie, he deny each & every allegation of the plffs but not hereinbefore admitted. And having now fully answered the prayer to be dismissed with ~~the plffs~~ his costs

A. E. Turner.

By atty.
Jackson & Blankenship OP.

S. E. Turner

Arch J. Sussner

E. L. Herwood

^{my open capot}
Filed June the 6th 1894
A B Munnery Clk

G. H. Ely

vs.

S. E. Fennell et al

and

Elihu Howard

vs.

Adm.

See Ely -

These cause came on this day to
be heard ^{again} upon the papers formerly
used in the causes, and was argued
by counsel, On consideration of which
and on motion of Plaintiff, by their
counsel, there was one motion for
the writ.

G. H. Ealy
vs
S. E. Turner et al
et al
vs
B. E. Ealy

W. F. M.

Geo H. Ely

Plffa

against

S. E. Turner et al

deff

Elihu L Howard

Plff

~~deff~~

In chy -

against

S. E. Turner et al

Deff

These causes came on this day to be heard together upon the Bills of the plaintiffs & exhibits filed & the Demures & Answers of S. E. Turner in the second styled Cause, which by consent is to be treated also as the Demure & Answer of the said Turner in the first styled Cause & Replication thereto & was argued by counsel.

On consideration of which & for reasons appearing to the court, said Demures are each overruled, & the causes coming on to be heard upon the Bill & Answer, the court is of opinion that the claims sued on are barred by the statute of limitation as to S. E. Turner; it is therefore, adjudged ordered & decreed, that as to S. E. Turner the Plaintiffs Bill be & the same are hereby dismissed & the Defendant S. E. Turner recover from the Plaintiffs in each of said causes the costs of these suits, and as to S. E. Turner said causes are stricken from the docket -

Geo. H. Ely

~~27~~ ✓

Edwin L. Howard

as Secrec

S. E. Turner et al

June 7. 1894

Ent. on Chy. Ord. Book 4 P. 26

Ent. Ohio

June 13th 1894.

In the Clerk's Office of the Circuit Court of the County of
Lee

Geo. H. Ely —

Plaintiff

against

S. E. Turner, B. J. Leslie, W. D. Wilson

Defendants

This day *M. G. Ely* personally appeared
before me, *R. B. Munsey* Clerk of the said Court,
and being duly sworn, made oath that *B. J. Leslie and W. D. Wilson*
defendants in the said suit ~~are~~ not residents of the State of Virginia,

Given under my hand as Clerk of the said Court, this *23* day of *April*

1894

George H. Ely

US. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

S. C. Turner et al

M. G. Ely .. p. q.

Filed April 23rd 1894
A. B. Munsey
clk

In the Clerk's Office of the Circuit Court of the County of
Lee on the 17th day of April, 1894.

G. H. Ely.

Plaintiff,

against

In. Ely

S. E. Turner, B. J. Leslie, And
D. D. Wilcoxson

Defendants.

The object of this suit is to set aside, annul and declare void a certain
pretended patent license dated on the 8th day of Sept. 1890. Executed
by defendants to plaintiff And to recover of the defendants the sum of
\$250. with interest from the 8th day of Sept. 1890. till

And an affidavit having been made and filed that the defendants B. J. Leslie and

D. D. Wilcoxson are

not residents of the State of Virginia, it is ordered that they do appear here, within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the Southwest
Virginian, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County, Court.

A copy—Teste:

M. G. Ely.

—P. Q.

A. B. Munsey Clerk.

Geo. W. Ely

v.s. } ORDER OF
PUBLICATION.

S. C. Turner et al -

I certify that I took
an office copy of the
within order of pub
at the front door of the
Court house on the
1st day of the May
Term of County
Court 1894

W B Munsey
Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*S. E. Turner, B. J. Leslie and
B. D. Milerson*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *3rd* Monday in *May*, 1894, to answer a bill in Chancery, exhibited against *them* in our said court by *G. H. Ely*,

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *16th* day of *April* 1894, and in the *118th* year of the Commonwealth.

A Copy Teste

A. B. Munsey

Clerk.

A. B. Munsey Clerk

1 - - - 1 - -
G. H. Ely

vs.

SUBPŒNA
IN CHANCERY.

S. E. Turner et al

M. H. Ely ...p. q.

To 2nd May Rules,

Circuit Court.

Executed April 21/1884
by delivering an
office copy of the
within return to
S. E. Turner
- G. H. Ely in 1886

In the Clerk's Office of the *Circuit* Court of the County of

Lee

Elihu L. Howard

Plaintiff

against

A. E. Turner, B. J. Leslie, et D. D. Milcoxson

Defendant

This day

m. y. Ely

personally appeared

before me, ...

A. B. Munsey

Clerk of the said Court,

and being duly sworn, made oath that

B. J. Leslie and D. D. Milcoxson

defendant~~s~~ in the said suit ~~are~~ not residents of the State of Virginia,

Given under my hand as Clerk of the said Court, this *24* day of *april*

1874

A B Munsey Clerk

E L Howard

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

S. E Turner et al

M G Ely p. q.

Filed April 23rd 1894
A B Munsey *ck*

In the Clerk's Office of the *Circuit* Court of the *County* of
Lee on the *17th* day of *April* 18*94*.

Elihu L. Howard

Plaintiff

against

In Chancery

*S. E. Turner, B. J. Leslie and
D. S. Wilcoxson*

Defendants.

The object of this suit is to *set aside, annul and declare void a certain
pretended patent license dated on the 25th day of Aug. 1890 executed
by defendants to plaintiff filed to recover of the defendants the
sum of \$500.⁰⁰ with interest from the 25th day of Aug. 1890 till paid.*
And an affidavit having been made and filed that the defendants *B. J. Leslie and
D. S. Wilcoxson* are

not residents of the State of Virginia, it is ordered that *they* do appear here, within *fifteen days*
after due publication hereof, and do what may be necessary to protect *their* interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the *Southwest
Virginian*, and that a copy be posted at the front door of the court-house of this *County*
on the first day of the next term of the *County* Court.

A copy—Teste:

M. G. Ealy

p. q.

A. B. Mursey

Clerk.

Elihu L. Howard,

vs.

}

ORDER OF
PUBLICATION.

S. E. Turner et al.

I Certify that I
posted an office
copy of this order
on front door of
the C H on 1st day
of May Term of
the County Court
A B Munsey
Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*S. E. Turner, B. J. Leslie and
D. D. Milleson*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *3rd* Monday in *May*, 189*4*, to answer a bill in Chancery, exhibited against *them* in our said court by *E. L. Howard*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *16th* day of *April*, 189*4*, and in the *11 8th* year of the Commonwealth.

A. B. Munsey Clerk.

21 A. 21
E. L. Howard

VS. { SUBPENA
IN CHANCERY.

S. E. Turner et als

M. G. Ely p. q.

To 2nd May Rules,
Circuit Court.

Executed April the 21. 1874
by delivering and affixing
copy of the within
summons to
S. E. Turner
S. E. Flannery. A. L. C.

CERTIFICATE OF ORDER OF PUBLICATION.

We, A. M. Goins and W. H. Eads,
editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at
Jonesville, Lee county, Virginia, do
hereby certify that the annexed no-
tice was published in said paper
once a week for four successive
weeks, commencing on the 19th

day of April 1894.

A. M. Goins
W. H. Eads } Editors.

IN the clerk's office of the circuit court of
the county of Lee on the 17th day of
April 1894.

Geo. H. Ely, Plaintiff,

vs.

S. E. Turner, B. J. Leslie and Q. D. Wil-
coxson, Defendants.

In Chancery.

The object of this suit is to set aside, an-
nul and declare void a certain pretended
patent license dated on the 8th day of Sept.
1894, executed to the defendants to plaintiff
and to recover of the defendants the sum
of \$250, with interest from the 8th day of
Sept. till paid. And an affidavit having
been made and filed that the defendants
B. J. Leslie and Q. D. Wilcoxson are not
residents of the State of Virginia, it is or-
dered that they do appear here within fif-
teen days after due publication hereof, and
do what may be necessary to protect their
interest in this suit. And it is further or-
dered that a copy hereof be published once
a week for four weeks in the SOUTHWEST
VIRGINIAN, and that a copy be posted at
the front door of the court-house of this
county on the first day of the next term
of the county court.

A copy—Teste:

A. B. MUNSEY, Clerk.

M. G. Ely, p. q.

apr 19-44

\$6.20
7/100

CERTIFICATE OF ORDER OF PUBLICATION.

We, A. M. Goins and W. H. Eads,
editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at
Jonesville, Lee county, Virginia, do
hereby certify that the annexed no-
tice was published in said paper
once a week for four successive
weeks, commencing on the 19th

day of April 1894.

A. M. Goins,
W. H. Eads, } Editors.

Non-Resident Notice.

IN the clerk's office of the circuit court of
the county of Lee on the 17th day of
April 1894.

Elihu L. Howard, Plaintiff.

vs.

S. E. Turner, B. S. Leslie and Q. D. Wil-
coxson, Defendants.

In Chancery.

The object of this suit is to set aside, an-
nul and decree void a certain pretended
patent license dated on the 25th day of
August 1890 executed by defendants to
plaintiff and to recover of the defendants
the sum of \$50.00 with interest from the
25th day of Aug. 1890, till paid. And an
affidavit having been made and filed that
the defendants B. J. Leslie and Q. D. Wil-
coxson are not residents of the State of Vir-
ginia, it is ordered that they do appear here
within fifteen days after due publication
hereof, and do what may be necessary to
protect their interest in this suit. And it is
further ordered that a copy hereof be pub-
lished once a week for four weeks in the
SOUTHWEST VIRGINIAN, and that a copy
be posted at the front door of the court-
house of this county on the first day of the
next term of the county court.

A copy—Teste:

A. B. MUNSEY, Clerk

M. G. Ely, p. q.

apr 19-44

\$6 $\frac{20}{100}$